

Malibu City Council **Regular Meeting Agenda**

Monday, October 28, 2002

5:30 P.M. - CLOSED SESSION
City Hall - Large Conference Room
23815 Stuart Ranch Road

6:30 P.M. - REGULAR CITY COUNCIL MEETING
HRL Auditorium
3011 Malibu Canyon Road

Five-thirty p.m. Closed Session

This time has been set aside for the City Council to meet in a closed session to discuss matters pertaining to existing litigation pursuant to Government Code Section 54956.9(a), 54956.9(c), 54957 and 54956.9(b). The City Attorney will give an additional oral report regarding the closed session at the beginning of the next regular City Council meeting.

Existing litigation per Government Code Section 54956.9 (a):

1. Antario v. City of Malibu
Los Angeles County Superior Court Case No. BC253990
2. Brown v. City of Malibu
Ventura County Superior Court Case No. CIV212554
3. Cher v. City of Malibu
Los Angeles County Superior Court Case No. SS10632
4. Chicksands Properties LTD. v. City of Malibu et al.
Los Angeles County Superior Court Case No. BS072081
5. City of Malibu v. California Coastal Commission
Los Angeles County Superior Court Case No. BC230410
6. City of Malibu v. Santa Monica Mountains Conservancy (Streisand Center)
Ventura County Superior Court Case No. CIV193900
7. Coffman v. City of Malibu
Los Angeles County Superior Court Case No. BC246067
8. Darian v. Accent Builders et al.
United States District Court Case No. 00-10255-FMC(JWJ)
9. Keach v. City of Malibu
Los Angeles County Superior Court Case No. SS009723

10. Levenson v. City of Malibu et al.
Los Angeles County Superior Court Case No. SC059037
11. Marine Forest Society v. California Coastal Commission Case No. 00AS00567 (Sacramento Superior Court) (Amicus)
12. Nese v. City of Malibu
Los Angeles County Superior Court Case No. SC070775
13. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
14. Sierra Club v. City of Malibu
Los Angeles County Superior Court Case No. BS064912
15. Silver v. City of Malibu
Los Angeles County Superior Court Case No. BC255025
16. Sprint v. City of Malibu et al
United States District Court Case No. SACV02660 DOC (MLGx)
17. Taxpayers for Livable Communities; Jay Liebig v. City of Malibu
Los Angeles County Superior Court Case No. BC258432
18. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu
Los Angeles County Superior Court Case No. BS0735585
19. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu
Los Angeles County Superior Court Case No. BS072794

Initiation of Litigation pursuant to Government Code Section 54956.9(c):

20. Number of cases: 2

Personnel matters pursuant to Government Code Section 54957:

21. Public Employee Performance Evaluation
Title: City Treasurer

Conference With Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(b):

22. Number of Cases: 1

Six-thirty p.m. Regular Session

Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda – October 18, 2002

1. Ceremonial/Presentations

- A. Proclamation Declaring October 31, 2002 as “Trick-or-Treat for UNICEF” Day
- B. Introduction of Assistant Fire Chief Paul Schuster and Presentation on Wildfire Preparedness

2. Written and Oral Communications from the Public

- A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda. (The Council will allow public comments on the Malibu Local Coastal Program (LCP) certified by the California Coastal Commission on September 13, 2002, although response from the Council may not occur until the Agenda Item is heard.)
- B. City Council Subcommittee reports/Mayor and Councilmember reports and inquiries.

3. Consent Calendar

- A. Previously Discussed Items
 - 1. Second Reading and Adoption of Ordinance No. 242 Adopting the California Building Standards Code by Reference

This ordinance adopts the current model codes (Building, Plumbing, Electrical, Mechanical and Fire) as adopted by the State and as further amended by Los Angeles County and the City of Malibu. All amendments are reasonably necessary because of local climatic, geological or topographical conditions.

Staff recommendation: Conduct second reading, unless waived, and adopt Ordinance No. 242, adopting the 2001 California Building Standards Code by Reference.

Staff contact: City Clerk Pope, 456-2489 ext. 228

B. New Items

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff contact: City Attorney Hogin, 456-2489 ext. 228

2. Approve Warrants

Staff recommendation: To allow and approve warrant demand numbers 20363 through 20435 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 271 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$823,777.16 including ADP payroll voucher numbers 22783035-3054.

Staff contact: Administrative Services Director James, 456-2489 ext. 224

3. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

As a result of the rainstorms in early March 2001, landslides impaired Corral Canyon Road, forcing its partial closure and creating a condition dangerous to the public health and safety. This action would extend the state of local emergency declared as the City responds to the situation and attempts to repair the area.

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

Staff contact: City Manager Lichtig, 456-2489 ext. 226

4. Council Authorization for the Building Safety Director, Victor Peterson, to Negotiate, Sign and Execute a Contract with the State Water Quality Control Board for a Clean Beaches Initiative Grant Fund Project (Proposition 13)

The Council previously authorized the Director of Building Safety to act as the Grant Contractor. The State Water Resources Control Board is requesting that the City Council formally authorize a representative to “negotiate, sign and execute” a contract on behalf of the City. The City’s representative may not sign a contract and commit the City to a program prior to the express and written consent of the City Council.

Staff recommendation: Authorize the Director of Building Safety to negotiate for and ultimately sign and execute a contract for the Clean Beaches Initiative Proposition 13 grant fund project “Implementation of the Santa Monica Bay Restoration Project Septic System Management Plan.”

Staff contact: Building Official Peterson, 456-2489 ext. 251

5. \$155,000 Trancas Canyon Park – Proposition 12 Per Capita Grant Application

Approval of this item and attached resolution will allow staff to apply for the City's Proposition 12 per capita grant funds of \$155,000 for acquisition and development costs for the Trancas Park properties located on Trancas Canyon Road.

Staff recommendation: Adopt Resolution No. 02-46 approving the application for grant funding from the California Department of Parks and Recreation Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000.

Staff contact: City Manager Lichtig, 456-2489 ext. 226

6. Approval of Final Parcel Map No. 18986 (Monkarsh – 20656 Pacific Coast Highway)

This subdivision was originally granted tentative map approval by the City's Planning Commission on December 12, 1994. The review of the parcel map has been completed and the City Engineer has determined that the map is complete and accurate and that all conditions of the tentative map approval have been satisfied.

Staff recommendation: Adopt Resolution No. 02-47 approving Final Parcel Map No. 18986 for recordation.

Staff contact: City Engineer / Acting Public Works Director Morgan, 456-2489 ext. 247

7. Request For Waiver Of Permit Fees For The Odyssey School's Use of Bluffs Park

The Odyssey School, a private, non-profit school in Las Flores Canyon is requesting a waiver of permit fees for the use of Bluffs Park for school physical education and sports activities.

Staff recommendation: Waive fees for the permit application from Odyssey School for the use of Malibu Bluffs Park.

Staff contact: Parks and Recreation Director Adams, 456-2489 ext. 225

8. Cancellation of December 23, 2002 City Council Meeting

On November 26, 2002, the City Council considered and approved the 2002 Calendar of City Council Meetings. This calendar included the regular City Council meeting of December 23, 2002. In the past, due to the holiday season, the City Council has cancelled the second meeting in December. Therefore staff recommends canceling the meeting.

Staff recommendation: Cancel the Regular City Council meeting of December 23, 2002.

Staff contact: City Clerk Pope, 456-2489 ext. 228

4. Ordinances and Public Hearings

This portion of the agenda is for ordinances and for advertised hearing items where formal public testimony on each item is received prior to City Council action; the public hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

- A. Appeal No. 02-006 – An Appeal of the Planning Commission’s Resolution No. 02-17 Conditionally Approving Plot Plan Review 00-129 and Site Plan Review 00-083 for the Construction of a New Two-Story Single-Family Bluff-Top Residence Above the Base 18-feet in Height. Appellant: Patt Healy and/or Malibu Coalition for Slow Growth; Applicant: Barsocchini & Associates; Owner: Arthur and Kimberly Silver; Location: 24950 Pacific Coast Highway

This item was continued at the September 9, 2002 City Council meeting in order to obtain a view assessment from the California Coastal Commission. Staff had preliminary discussions with Jack Ainsworth at the Coastal Commission. Mr. Ainsworth verbally relayed that his recommendation would be to limit the proposed project design to 18-feet.

Staff recommendation: Continue to the City Council regularly scheduled meeting of November 12, 2002 in order to afford the Coastal Commission staff additional time to prepare a written recommendation regarding the project’s potential to impact public views.

Staff contact: Planning Director Purvis, 456-2489 ext. 243

5. Old Business

- A. Local Coastal Program Application – Strategy for Developing a Comprehensive Local Coastal Program

Staff recommendation: Consider the strategy presented in the staff report and provide direction to staff.

Staff contact: Planning Director Purvis, 456-2489 ext. 243

6. New Business**7. Council Items**

- A. Appointment by Councilmember House to the Malibu Planning Commission

Councilmember House’s appointment, Ed Lipnick, resigned from the Planning Commission effective September 30, 2002. A special vacancy notice was posted pursuant to Government Code Section 54974 on September 30, 2002. Councilmember House may make her appointment at this time. This item was continued from the October 14, 2002 City Council meeting.

Recommendation: Councilmember House to make an appointment to the Malibu Planning Commission.

Staff contact: City Clerk Pope, 456-2489 ext. 228

B. Council Appointments to City Commissions and Committees

Vacancies exist among the Mobilehome Park Rent Stabilization Commission, Parks and Recreation Commission, and Trails Master Plan Advisory Committee. A public notice inviting applications for Council appointment to City Commissions was published in the Malibu Surfside News on October 1 and October 8, 2002. The deadline to submit applications was October 15, 2002.

Staff recommendation: Appoint new Commission and Committee members to various City Commissions and Committees.

Staff contact: City Clerk Pope, 456-2489 ext. 228

Adjournment

Future Meetings

Wed., October 30, 2002	6:30 p.m.	Quarterly City Council Meeting	City Hall
Wed., November 6, 2002	6:30 p.m.	Joint City Council / Planning Commission Workshop	Location to be Determined
Tues., November 12, 2002	6:30 p.m.	Regular City Council Meeting	Location to be Determined
Mon., November 25, 2002	6:30 p.m.	Regular City Council Meeting	Location to be Determined

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the City Council. No action may be taken under this section except to direct staff unless the Council, by a two-thirds vote, determines that the need to take action arose after the posting of the agenda or that the item presents an emergency situation for which action is required prior to the next regularly scheduled meeting of the City Council. Although no action may be taken on these non agenda items, the Council and staff will follow up on those items needing response. Each speaker is limited to (3) three minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available at the Chamber doors). Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from Consent Calendar will be taken up by the Council following the action on the consent calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

Items set for Public Hearing commence at 7:30 p.m. or as soon thereafter as practicable. At that time the City Council will stop its other proceedings and move directly to Public Hearing items. At the conclusion of Public Hearings the City Council will continue the agenda where it left off. For Public Hearings involving zoning matters the appellant will be given 15 minutes to present their position to the City Council, including rebuttal time. All other testimony shall be limited to (3) three minutes per person and follow the rules as set forth under Oral Communication.

Items in Old Business are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

Items in New Business are items which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

City Council Items are items which individual members of the City Council may bring up in terms of reporting to other members of the City Council, to propose future agenda items or to suggest future staff assignments. Items discussed under City Council Items follow the same rules as set forth under Oral Communications in terms of the actions the City Council may take on any item brought up under this portion of the agenda. Each Councilmember's oral item presentations are limited to four minutes. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired on City of Malibu Government Access Channel 3. Broadcasts on Channel 3 occur at 8:00 a.m. and 8:00 p.m. Monday, Wednesday and Friday, Tuesday and Thursday at 8:00 p.m., and at 2:00 p.m. on both Saturday and Sundays. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23815 Stuart Ranch Road, Malibu, California and are available for public inspection during regular office hours which are 8:30 a.m. to 5:00 p.m., Monday through Friday. Copies of staff reports may be purchased for \$0.10 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Malibu City Offices, Malibu Community Center at Point Dume and Malibu Community Library. The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Building & Safety Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 18th day of October 2002.

Lisa Pope, City Clerk